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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/892,836	07/15/97	SKEEM	M F-3278

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EXAMINER

NGUYEN, G

ART UNIT PAPER NUMBER

3723

DATE MAILED:

07/28/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/892,836

Applicant(s)

Skeem et al.

Examiner

Nguyen

Group Art Unit

3723



☒ Responsive to communication(s) filed on Jun 18, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1, 3-26, and 28-34 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1, 3-26, and 28-34 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3203

DETAILED ACTION

Please note this action is not final due to a new ground of rejection as follows.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-26, and 28-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asada'276 in view of Scott'072 and Lowder et al.'673.

With reference to Figures 7-9, Asada discloses an abrasive cutting tool comprising: a) a monolithic substrate (5) having a substrate surface with plurality of teeth (7) extending therefrom, each tooth having a contoured surface; b) a layer comprising superabrasive grains (8) such as diamond, the layer being electroplated to at least a portion of the surface of each tooth to define a plurality of cutting levels parallel to the substrate surface, and each cutting level on each tooth being oriented such that a portion of each cutting level overlaps at least a portion of each other cutting level of the tooth; and c) an initial uppermost cutting level and successive uppermost cutting levels among the plurality of cutting levels of each tooth, whereby after the initial uppermost cutting level has been worn away by cutting the workpiece, each successive uppermost cutting level of the tooth presents to the workpiece a ring of superabrasive grain around the contoured surface of the tooth, and substantially all superabrasive grain within the ring simultaneously engages in cutting. But Asada does not disclose the cutting surface having a

Art Unit: 3203

negative angle of inclination with respect to the intended direction of movement and the abrasive layer being chemically bonded to at least a portion of the surface of each tooth.

With reference to Figs. 2-4, column 4, line 50 bridging to column 5, line 50, Scott discloses that the mesh cutting element 34 defines a surface inclined relative to the travel direction 50 of the cutting tool. The cutting element 34 is a mesh comprising abrasive material formed by uniformly distributing and securing hard, wear resistance particles, such as industrial diamonds. The cutting mesh is bonded to the support links by an adhesive agent such as industrial epoxy or by brazing. The bonding agent may also include a layer or wearable or consumable material to provide additional support for the cutting mesh on the support links. With reference to Fig. 8, column 7, line 33 bridging to column 8, line 12, the inclination of the planar surface of the mesh, whether it is on the support or the cover, applies only a relatively small area of the trailing edge of the mesh cutting element to the material cut. This reduces the area of contact between the material to be cut and the cutting element, and thereby reduces the force required to accomplish the cutting action. As the mesh cutting element 34 wears at its trailing edge, some of the consumable material 48 following the cutting element 34 also wears away. However, it always leaves a next row of particles in abrading contact with the material to be cut. In essence, Scott discloses a cutting element having a cutting surface with a negative angle of inclination with respect to the intended direction of movement. Furthermore, Scott discloses in column 8, lines 16-18, this cutting element with its inclined cutting surface may be applied to a circular saw. But Scott is silent about the brazing method to chemically bond the abrasive layer to the surface of the tooth.

With reference to Fig. 1, column 2, line 47 bridging to column 6, line 59, Lowder discloses an improved diamond abrasive tool and method of manufacture characterized by a direct

Art Unit: 3203

brazing technique of diamond crystals to a substrate surface which requires no pre-conditioning of the surface of the diamond in order to obtain the necessary wetting thereof. The method employed utilizes readily available, very hard and durable brazing alloys which have been discovered to readily wet the diamond surface to obtain a final product wherein the minimum depth of the alloy bond tends to occur intermediate adjacent diamond crystals with outstanding retention of the crystals and greatly extended tool life. In column 5, lines 27-35, Lowder further discloses that the application of the described invention to the manufacture of diamond abrasive tools encompasses a great variety of sizes, shapes, and types of tools from extremely thin abrasive discs to larger diameter grinding wheels and saw blades.

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the abrasive tool of Asada with a cutting element having a cutting surface with a negative angle of inclination with respect to the intended direction of movement as taught by Scott'072 to reduce the area of contact between the material to be cut and the cutting element, and thereby reduces the force required to accomplish the cutting action; and further modified with the brazing method of Lowder et al.'673, in order to wet the diamond surface to chemically bond the diamond to the tooth substrate to provide a very strong securement of the diamond to the tooth.

In regard to claims 4-12, 15-26, and 31-32, it would have been obvious matter of design choice to select the grain concentration and hardness index for the tooth depending on the material to be cut. Such engineering specification is well within the skill of the artisan.

In regard to claims 33-34, it would have been obvious matter design choice to apply the cutting element to core drills or abrasive sheets depending on the intended use.

Art Unit: 3203

Response to Arguments

3. Applicant's arguments with respect to claims 1, 3-26, and 28-34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Nguyen whose telephone number is (703) 308-0163. The examiner can normally be reached on Monday-Friday from 7:00 AM-3:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Scherbel, can be reached at (703) 308-1272. The fax number for this Group is (703) 305-3579. An inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 308-1148.

George Nguyen

7/26/98


ROBERT A. ROSE
PRIMARY EXAMINER
ART UNIT 323